

FEB 23 2009

**Board of Vocational Nursing  
and Psychiatric Technicians**

EDMUND G. BROWN JR., Attorney General  
of the State of California  
FRANK H. PACOE  
Supervising Deputy Attorney General  
HANNAH H. ROSE, State Bar No. 56276  
Deputy Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5515  
Facsimile: (415) 703-5480  
Attorneys for Complainant

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2007-295

KRISTI ANN HENDRICKSON  
2001 Helen Road  
Pleasant Hill, CA 94523  
Vocational Nurse License No. VN 134086

**A C C U S A T I O N**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, I.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about December 15, 1986, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 134086 to Kristi Ann Hendrickson (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2010, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board of Vocational Nursing and

1 Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the  
2 following laws. All section references are to the Business and Professions Code unless otherwise  
3 indicated.

#### 4 STATUTORY PROVISIONS

5 4. Section 2875 of the Business and Professions Code (Code) provides, in  
6 pertinent part, that the Board may discipline the holder of a vocational nurse license for any  
7 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice  
8 Act.

9 5. Section 118(b) of the Code provides, in pertinent part, that the expiration  
10 of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during  
11 the period within which the license may be renewed, restored, reissued or reinstated. Under  
12 section 2892.1 of the Code, the Bureau may renew an expired license at any time within four  
13 years after the expiration.

14 6. Section 2878 of the Code states:

15 "The Board may suspend or revoke a license issued under this chapter [the  
16 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

17 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

18 . . . .

19 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or  
20 abetting the violating of, or conspiring to violate any provision or term of this chapter.

21 . . . .

22 7. Section 2878.5 of the Code states:

23 In addition to other acts constituting unprofessional conduct within the meaning  
24 of this chapter [the Vocational Nursing Practice Act], it is unprofessional conduct for a person  
25 licensed under this chapter to do any of the following:

26 . . . .

27 "(b) Use any controlled substance as defined in Division 10 of the Health and  
28 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an

1 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,  
2 or to the extent that the use impairs his or her ability to conduct with safety to the public the  
3 practice authorized by his or her license.

4  
5 8. California Code of Regulations, title 16, section 2518.6(b)(4) states:

6 (b) A licensed vocational nurse shall adhere to standards of the profession and  
7 shall incorporate ethical and behavioral standards of professional practice which include but are  
8 not limited to the following:

9  
10 (4) Abstaining from chemical/substance abuse;

11  
12 9. Code section 4022 provides, in pertinent part:

13 "Dangerous drug" or "dangerous device" means...

14 (a) Any drug that bears the legend: "Caution: federal law  
15 prohibits dispensing without prescription," "Rx only," or words of  
similar import.

16 (b) Any device that bears the statement: "Caution:  
17 federal law restricts this device to sale by or on the order of a  
18 \_\_\_\_\_," "Rx only," or words of similar import, the blank to  
be filled in with the designation of the practitioner licensed  
to use or order use of the device.

19 (c) Any other drug or device that by federal or state  
20 law can be lawfully dispensed only on prescription or furnished  
pursuant to Section 4006.

21 10. Code section 4060 provides:

22 No person shall possess any controlled substance, except  
23 that furnished to a person upon the prescription of a physician,  
dentist, podiatrist, optometrist, veterinarian, or naturopathic  
24 doctor pursuant to Section 3640.7, or furnished pursuant to a  
drug order issued by a certified nurse-midwife pursuant to  
25 Section 2746.51, a nurse practitioner pursuant to Section 2836.1,  
a physician assistant pursuant to Section 3502.1, a naturopathic  
26 doctor pursuant to Section 3640.5, or a pharmacist pursuant  
to either subparagraph (D) of paragraph (4) of, or clause (iv)  
27 of subparagraph (A) of paragraph (5) of, subdivision (a) of  
Section 4052. This section shall not apply to the possession  
28 of any controlled substance by a manufacturer, wholesaler,  
pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,

1 veterinarian, naturopathic doctor, certified nurse- midwife, nurse  
2 practitioner, or physician assistant, when in stock in containers  
3 correctly labeled with the name and address of the supplier  
4 or producer.

5 11. Section 125.3 of the Code provides, in pertinent part, that the Board may  
6 request the administrative law judge to direct a licensee found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
8 and enforcement of the case.

### 9 DRUGS

10 12. "Methamphetamine," is a Schedule II controlled substance as designated  
11 by Health and Safety Code Section 11055(d)(2).

### 12 FACTUAL BACKGROUND

13 13. On or about July 14, 2007, while employed as a Licensed Vocational  
14 Nurse (Safety) for the California Department of Corrections and Rehabilitation at the California  
15 Medical Facility in Vacaville, California, Respondent was observed and found to be under the  
16 influence of Methamphetamine and alcohol during her work shift. Respondent was observed to  
17 have an odor of alcohol about her and her speech was slurred and rambling. She was also  
18 observed to be swaying and stumbling when walking and appeared confused. Respondent tested  
19 positive for Methamphetamine and had a blood alcohol of over 0.120.

### 20 FIRST CAUSE FOR DISCIPLINE

21 (Illegal Use of Drugs/Alcohol Posing Danger to Public & Impair Practice)

22 14. Respondent is subject to disciplinary action under section 2878(5)(b) in  
23 that she used methamphetamine and consumed alcohol to an extent or in a manner dangerous to  
24 herself or the public or to the extent that the use impaired her ability to conduct her practice with  
25 safety to the public as set forth above in paragraph 13.

### 26 SECOND CAUSE FOR DISCIPLINE

27 (Unprofessional Conduct)

28 15. Respondent is subject to disciplinary action under section 2878(a), for  
unprofessional conduct as set forth above in paragraph 13.

1 THIRD CAUSE FOR DISCIPLINE

2 (Failure to Abstain from Chemical/Substance Use/Abuse)

3 16. Respondent is subject to disciplinary action under California Code of  
4 Regulations, title 16, section 2518.6(b)(4) in that she failed to abstain from chemical/substance  
5 abuse as set forth above in paragraph 13.

6 PRAYER

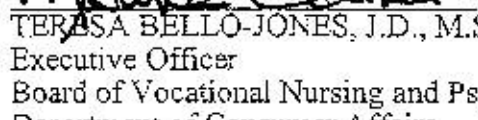
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
8 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
9 Technicians issue a decision:

10 1. Revoking or suspending Vocational Nurse License Number VN 134086,  
11 issued to Kristi Ann Hendrickson.

12 2. Ordering Kristi Ann Hendrickson to pay the Board of Vocational Nursing  
13 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this  
14 case, pursuant to Business and Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: February 23, 2009

18  
19  
20   
21 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
22 Executive Officer  
23 Board of Vocational Nursing and Psychiatric Technicians  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
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